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EXAMINER

LE, MICHAEL

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/777,637	Applicant(s) SEO ET AL.	
	Examiner MICHAEL LE	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6,7 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,7 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date | 6) <input type="checkbox"/> Other: _____ |

4/16/08, 4/18/08, 4/29/08, 7/2/08, 8/20/08, 8/27/08, 9/15/08, 10/9/08, 10/30/08.

DETAILED ACTION

Summary and Status of Claims

1. This Office Action is in response to Applicant's reply filed July 18, 2008.
2. Claims 4, 5, 8, 10, and 11 are cancelled.
3. Claims 1, 3, 6, 7, and 12-20 are pending.
4. Claims 1, 3, 6, 7, and 16 are rejected under 35 U.S.C. 112, second paragraph.
5. Claims 1, 3, 6, 7, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawada et al. (US Patent Pub 2002/0001385) (Kawada).
6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawada, in view of Taira et al. (US Patent 6,009,234) (Taira).
7. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawada.
8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Information Disclosure Statement

9. The information disclosure statement filed September 15, 2008 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each non patent literature listed that is not in the English language. It has been placed in the application file, but the information relating to the Japanese office actions referred to therein has not been considered.

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Claim Objections

10. Claims 6, 12, and 13 are objected to because of the following informalities:
11. In claim 6, line 2 “main directory” has to be changed to --a main directory--.
12. In claim 12, line 3, “the computer readable medium” has to be changed to --a computer readable medium--.
13. In claim 12, line 13, “comman” has to be changed to --command--.
14. In claim 13, line 3, “the computer readable medium” has to be changed to --a computer readable medium--.
15. Appropriate correction is required.

Claim Rejections - 35 USC § 112

16. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
17. **Claims 1, 3, 6, 7, and 16 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
18. **Claim 1** recites various storage areas “for storing.” The limitations do not indicate that each of the areas store anything in particular, but only what is intended to be stored in each area. Because it is written in this way, claim 1 essentially claims a computer readable medium storing a data structure comprising four fields. For the prior art rejections below, the limitations will be interpreted to mean that each storage area actually stores the intended information.

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19. Claims 3, 6, 7, and 16 are rejected because they depend on a rejected claim. Dependent claims contain the limitations of the parent claims and are therefore rejected for the same reasons.

20. The prior art rejections to claims 1, 3, 6, 7, and 16 below are made as best understood in light of the rejection under 35 U.S.C. 112, second paragraph addressed above.

Claim Rejections - 35 USC § 102

21. **Claims 1, 3, 6, 7, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawada et al. (US Patent Pub 2002/0001385) (Kawada).**

22. In regards to **claim 1**, Kawada discloses a computer-readable medium storing an executable data structure for managing playback control of a data stream by a reproducing device (Kawada at Fig. 7), comprising:

- a. a first area for storing an information file including a first playback indicator for managing a first playback of the computer-readable medium (Kawada at Fig. 7, element 6), the first playback indicator identifying a navigation command field, separate from the information file, for executing the first playback of the computer readable medium, the first playback indicator indicating a name of the identified navigation command field; (Kawada at Fig. 7, “jump to Navigation”; para. 0042)¹

¹ The firstplay_PGCI (i.e., first playback indicator) identifies a jump command (i.e., navigation command field), separate from the Firstplay_PGCI. It is executed upon first read of the DVD. The menu navigation (i.e., playlist) is launched.

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- b. a second area for storing the identified navigation command field, the identified navigation command field including at least one navigation command for launching a playlist (Kawada at Fig. 7, “jump Command”; para. 0042);
 - c. a third area for storing the playlist launched by the navigation command, the playlist including a playitem interval in a clip of the data stream for the first playback (Kawada at para. 0043; para. 0044); and
 - d. a fourth area storing the data stream. Kawada at fig. 7, element 1.
23. In regards to **claim 3**, KAWADA discloses the medium of claim 1, wherein the first playback is when the computer-readable medium is first read. Kawada at para. 0043.
24. In regards to **claim 6**, KAWADA discloses the medium of claim 1, wherein the information file is stored in a main directory, which is a sub-directory of a root directory for the computer readable medium. Kawada at Fig. 7.
25. In regards to **claim 7**, KAWADA discloses the medium of claim 6, wherein the first playback is when the computer-readable medium is first read. Kawada at para. 0043.
26. In regards to **claim 12**, KAWADA discloses a method of recording a data structure for managing playback control of a data stream, comprising:
- a. recording an information file in a first area of a computer-readable medium (Kawada at Fig. 4, element 12), the information file including a first playback indicator for managing a first playback of the computer-readable medium, the first playback indicator identifying a navigation command field, separate from the information file, for executing the first playback of the computer readable medium, the first playback

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indicator indicating a name of the identified navigation command field (Kawada at Fig. 7, “jump to Navigation”; para. 0042)²

;

b. recording the identified navigation command field in a second area of the computer-readable medium, the identified navigation command field, the identified navigation command field including at least one navigation command for launching a playlist (Kawada at Fig. 7, “jump Command”; para. 0042);;

c. recording the playlist launched by the navigation command in a third area of the computer readable medium, the playlist including a playitem interval in a clip of the data stream for the first playback (Kawada at para. 0043; para. 0044); and

d. recording the data stream in a fourth area of the computer readable medium.

Kawada at fig. 7, element 1.

27. In regards to **claim 13**, KAWADA discloses a method of reproducing a data structure for managing playback control of a data stream, comprising:

a. reproducing information from a first area of a computer readable medium, the information file including a first playback indicator for managing a first playback of the computer-readable medium, the first playback indicator identifying a navigation command field, separate from the information file, for executing the first playback of the computer readable medium, the first playback indicator indicating a name of the

² The firstplay_PGCI (i.e., first playback indicator) identifies a jump command (i.e., navigation command field), separate from the Firstplay_PGCI. It is executed upon first read of the DVD. The menu navigation (i.e., playlist) is launched.

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identified navigation command field (Kawada at Fig. 7, “jump to Navigation”; para. 0042)³

;

b. reproducing the identified navigation command field in a second area of the computer readable medium, the identified navigation command field including at least one navigation command for launching a playlist (Kawada at Fig. 7, “jump Command”; para. 0042);;

c. reproducing the playlist launched by the navigation command from a third area of the computer readable medium, the playlist including a playitem interval in a clip of the data stream for the first playback (Kawada at para. 0043; para. 0044); and

d. reproducing the data stream from a fourth area of the computer readable medium. Kawada at fig. 7, element 1; para. 0043; para. 0044.

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

³ The firstplay_PGCI (i.e., first playback indicator) identifies a jump command (i.e., navigation command field), separate from the Firstplay_PGCI. It is executed upon first read of the DVD. The menu navigation (i.e., playlist) is launched.

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29. **Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawada, in view of Taira et al. (US Patent 6,009,234) (Taira).**

30. In regards to **claim 14**, KAWADA discloses an apparatus for recording a data structure for managing playback control of a computer-readable medium, comprising:

- a. recording a data stream in a first area of the computer readable medium (Kawada at fig. 4, element 12); and
- b. recording an information file in a second area of the computer readable medium, the information file including a first playback indicator for managing a first playback of the computer-readable medium, the first playback indicator identifying a navigation command field, separate from the information file, for executing the first playback of the computer readable medium, the first playback indicator indicating a name of the identified navigation command field (Kawada at Fig. 7, “jump to Navigation”; para. 0042)⁴; the controller configured to control the pickup to record the identified navigation command field in a third area of the computer readable medium, the identified navigation command field including at least one navigation command for launching a playlist (Kawada at Fig. 7, “jump Command”; para. 0042); and the controller configured to store the playlist launched by the navigation command in a fourth area of the computer readable medium, the playlist representing a playing interval in a clip of the data stream for the first playback. Kawada at para. 0043; para. 0044.

⁴ The firstplay_PGCI (i.e., first playback indicator) identifies a jump command (i.e., navigation command field), separate from the Firstplay_PGCI. It is executed upon first read of the DVD. The menu navigation (i.e., playlist) is launched.

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31. Kawada does not expressly disclose a pickup and a controller operably coupled to the pickup.

32. Taira discloses a head unit (i.e., pickup) and a processing unit (I.e., controller) for recording and reproducing content on a medium. Taira at Fig. 2, elements, 32, 44; col. 9, lines 31-47.

33. Kawada and Taira are analogous art because they are both directed toward the same field of endeavor of content recording and reproduction on a medium.

34. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Kawada by adding the features of a pickup and a controller, as taught by Taira.

35. The motivation for doing so would have been because a pickup and a controller are standard parts of an optical disk player/recorder.

36. In regards to **claim 15**, KAWADA discloses an apparatus for reproducing a data structure for managing playback control of a computer readable medium, comprising:

- a. reproducing a data stream recorded in a first area of the computer readable medium (Kawada at fig. 4, element 12); and
- b. reproducing an information file from a second area of the computer readable medium, the information file including a first playback indicator for managing a first playback of the computer-readable medium, the first playback indicator identifying a navigation command field, separate from the information file, for executing the first playback of the computer readable medium, the first playback indicator indicating a name

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of the identified navigation command field (Kawada at Fig. 7, “jump to Navigation”; para. 0042)⁵

; the controller configured to control the pickup to reproduce the identified navigation command field from a third area of the computer readable medium, the identified navigation command field including at least one navigation command for launching a playlist (Kawada at Fig. 7, “jump Command”; para. 0042); and the controller configured to reproduce the playlist launched by the navigation command from a fourth area of the computer readable medium, the playlist representing a playing interval in a clip of the data stream for the first playback. Kawada at para. 0043; para. 0044.

37. Kawada does not expressly disclose a pickup and a controller operably coupled to the pickup.

38. Taira discloses a head unit (i.e., pickup) and a processing unit (I.e., controller) for recording and reproducing content on a medium. Taira at Fig. 2, elements, 32, 44; col. 9, lines 31-47.

39. Kawada and Taira are analogous art because they are both directed toward the same field of endeavor of content recording and reproduction on a medium.

40. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Kawada by adding the features of a pickup and a controller, as taught by Taira.

⁵ The firstplay_PGCI (i.e., first playback indicator) identifies a jump command (i.e., navigation command field), separate from the Firstplay_PGCI. It is executed upon first read of the DVD. The menu navigation (i.e., playlist) is launched.

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41. The motivation for doing so would have been because a pickup and a controller are standard parts of an optical disk player/recorder.

42. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawada.

43. In regards to **claim 16**, KAWADA discloses wherein the navigation command field further includes navigation commands for initializing playback of the data stream. Kawada at para. 0043; para. 0044.

44. Kawada does not expressly disclose navigation commands for terminating playback of the data stream.

45. The ability to terminate playback of a data stream is well known in the art as it is a feature used frequently in devices for reproducing content from a medium.

46. At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kawada to include a navigation command for terminating playback of the data stream.

47. The motivation for doing so would have been because the ability to terminate playback is needed to stop reproduction when needed or required.

48. **Claims 17 and 18** are essentially claim 16, respectively, in the form of a method and are rejected for the same reasons.

49. **Claims 19 and 20** are essentially claim 16, respectively, in the form of an apparatus and are rejected for the same reasons.

Response to Arguments

Rejection of claims 1, 3-8, and 10-20 under 35 U.S.C. 102(b)

50. Claims 4, 6, 8, 10, and 11 are cancelled rendering the rejection to them moot.

51. Applicant's arguments in regards to the rejections to claims 1, 3, 6, 7, and 12-20 under 35 U.S.C. 102(b), have been fully considered but are moot in view of the new grounds of rejection set forth above as necessitated by Applicant's amendment. Consequently, the rejection of claims 1, 3, 6, 7, and 12-20 under 35 U.S.C. 102(b) is withdrawn.

Conclusion

52. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

53. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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54. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Le whose telephone number is 571-272-7970. The examiner can normally be reached on Mon-Thurs : 9:30am-6pm, Fri: 8am-4:30pm.

55. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

56. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Le/
Examiner, Art Unit 2163

/Hung T Vy/
Primary Examiner, Art Unit 2163